

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

DAVID G. STERN,)	
)	
Petitioner,)	
)	Civ. Action No. 04-CV-10465-NG
v.)	
)	
DAVID L. WINN,)	
)	
Respondent.)	
)	

RESPONDENT'S NOTICE OF CCC REFERRAL

Respondent hereby informs the Court that in light of the Court's September 17, 2004 Order, he has, in conjunction with other Federal Medical Center, Devens personnel, and pursuant to Bureau of Prisons' ("BOP") policy, reviewed Petitioner's case, without the 10% limitation previously asserted based on a new BOP policy announced in December 2002, but found to be unlawful by the First Circuit in Goldings v. Winn, Appeal No. 03-2633, and submitted a revised Community Corrections Center ("CCC") referral for a placement. As a result, CCC placement to the Barnstable (Massachusetts) County Work Release Center has been approved for Petitioner for October 13, 2004. The placement date is approximately 5 months prior to Petitioner's release date, and well before his "10% date" of December 21, 2004."¹

¹To the extent that Petitioner's recently filed pleadings make a claim regarding calculation of his good time credits, that issue is not properly before this Court because Petitioner has neither exhausted his administrative remedies on that issue, nor has he raised that issue in this or any other habeas petition.

Respectfully submitted,

DAVID WINN

By his attorney

MICHAEL J. SULLIVAN
UNITED STATES ATTORNEY

Dated: September 23, 2004

By: /s/ Jeremy M. Sternberg
Jeremy M. Sternberg
Assistant U.S. Attorney
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Boston, MA 02210
(617) 748-3100

Certificate of Service

I hereby certify that on September 23, 2004, I caused a copy of this pleading to be sent by U.S. Mail to David G. Stern, Reg. No. 23799-038, Unit I (Camp), Federal Medical Center, Devens, P.O. Box 879, Ayer, MA 01432.

/s/ Jeremy M. Sternberg
Jeremy M. Sternberg
Assistant U.S. Attorney